

REMARKS

Claims 1-3 are all the claims pending in the application. Claims 1-3 presently stand rejected.

The rejection under § 102(e) has been withdrawn, however, claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sekiya (2004/0065165) in view of Aldous (3,788,631).

Analysis

Claim 1 has been amended to clarify that the spiral spring is wound up as the throttle grip is rotated from the initial state thereof to increase frictional resistance. See page 7, lines 11-12 of the specification.

Sekiya is directed to a throttle grip apparatus, having an energizing unit which includes a spring 43 (Fig. 6) which acts as an urging means to return the accelerator grip 40 to its initial position.

Aldous discloses a spiral spring. Aldous discloses in column 2 lines 53-56 that the “path (in the graph of torque with respect to angular deflection) followed during winding up of the spring has higher torque figures owing to intercoil friction, but the shape of the curve would be substantially identical.” In Aldous, because the shapes of the curves are substantially identical during winding-up and retraction of the spring, the intercoil friction should be constant during winding-up of the spring. In other words, Aldous teaches away from the invention.

Accordingly, the combination of Sekiya and Aldous fail to teach or suggest the claimed limitation that the spiral spring is wound up to increase frictional resistance.

In addition, one of ordinary skill in the art would not have been motivated to modify Sekiya as asserted in the Office Action. The Sekiya spring 43 appears to urge the member 44 in the right side direction of Fig. 6 such that the gap between the member 44 and the casing 52 is closed. Due to this, sealing of the casing can be ensured. However, when the spring taught by Aldous is applied to Sekiya, the gap between the member 44 and the casing 52 would be open such that the sealing characteristic cannot be kept, because the spring of Aldous would never urge the member 44. In other words, merely modifying the disclosure a Sekiya to include the spring of Aldous would render Sekiya inoperable for its intended purpose. MPEP § 2143.01. Accordingly, one of ordinary skill in the art would not have been motivated to modify Sekiya to have the spring disclosed in Aldous.

In view of the foregoing claim 1 is patentable because (1) the combination of cited references fails to arrive at the claimed invention having “increased frictional resistance” and (2) one would not have been motivated to modify Sekiya with the spring of Aldous because it would have rendered Sekiya incapable of sealing the casing.

Claims 2-3 are patentable for at least the same reasons as claim 1 by virtue of their dependency therefrom.

Moreover, claim 3 is patentable because the combination of Sekiya and Aldous fails to teach or suggest the claimed structure. In particular, even if one were motivated to substitute the spring of Sekiya with a spiral spring from Aldous, one would not have known to secure the

spring to the throttle apparatus in Sekiya in the same manner as the claimed invention. That is, there is no teaching or suggestion in either reference, whether taken alone or in combination, to secure one end of the Aldous spring to a recessed portion in a tube guide in Sekiya, while the other end is fixed to a bottom surface of a lower portion of the case. Sekiya and Aldous are both completely silent with how the ends of the spring should be secured. Moreover, neither reference discloses a recessed portion in a tube guide for receiving an end of a spring.

This structure of the present invention is important for further enabling the winding of the spring toward the base end side of the tube guide.

Still further, Applicant adds claim 4 which recites that the spring has a hysteresis characteristic. Support for this amendment is on page 7, lines 20 in the specification. The combination of cited references completely fails to teach or suggest a spring having a hysteresis characteristic.

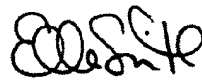
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/832,678

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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